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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,900	12/09/2003	Brian Jones	60001.0276US01/MS304207.1	4709
7590 Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903				
EXAMINER				
VAUGHN, GREGORY J				
ART UNIT		PAPER NUMBER		
2178				
MAIL DATE		DELIVERY MODE		
05/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/731,900

Applicant(s)

JONES ET AL.

Examiner

GREGORY J. VAUGHN

Art Unit

2178

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date 8/30/07 and 9/11/07.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Application Background

1. This action is responsive to the amendment filed on 2/11/2008.
2. Applicant has amended claims 1, 11 and 14, and canceled claims 10, 12, 13 and 20.
3. Claims 1-9, 11 and 14-19 are pending in the case, claims 1, 11 and 14 are independent claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-9, 11 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easy Microsoft Word 2003 by Heidi Steele, published 9/19/2003 by Que Corporation (hereinafter Steele) in view of Michaelides, US Patent Publication 2004/0181753, filed 3/10/2003, published 9/16/2004.

6. **Regarding independent claim 1**, the claim is directed toward electronic document management, and is specifically directed toward copying portions of text from one document to another, where the text formatting is maintained in the copy function. The claim is embodied in the XML computer language. Steele is a training manual for a well known electronic document management application – Microsoft Word 2003. Steele discloses that the Copy and Paste functions provided by MS Word provide format controlling paste capabilities. Steele recites: *“Understanding the Paste Options: By default, pasted text keeps it’s original (source) formatting. If you want the pasted text to take on the formatting of the text into which you pasted it click Match Destination Formatting in the Paste Options menu. To remove all it’s formatting, Choose Keep Text Only”* (page 4 of the electronic book printout, or page 52 of the original publication). Steele discloses selecting text in a source document (page 5 of the electronic book printout, or page 53 of the original publication). Steele discloses identifying the formatting from the original document, applying the formatting to the selected text, associating the formatting with the text, and carrying the formatting with the text into the destination document in order to avoid a conflict, as described above. Steele discloses the electronic documents as web pages (page 6 of the electronic book printout, or page 216 of the original publication); however Steel fails to disclose the electronic document as an XML document. Michaelides is directed to a software adapter that controls source formats and target formats for data exchange in software applications. Michaelides discloses using copy

and paste functions with XML based languages. Michaelides recites: "*The user should copy and paste the XML*" (paragraph 186).

Michaelides discloses providing a framework for an annotation of the XML markup by associating the selection of text with at least one XML schema file for providing a definition of the XML markup applied to the selection of text and for providing XML parsing application rules for understanding and using XML tags. It should be noted that an XML schema inherently provides a framework that is a definition of the XML markup and parsing application rules for understanding and using the XML tag. Michaelides discloses the use of an XML template for the selected text to be imported, where the XML template specifies an XML schema (see paragraph 186 and figure 31). An example of the XML template is shown in Appendix I, where the declarations at the beginning of the sample code are associating an XML schema with the XML template. Appendix I recites:

*"template xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance"
xsi:schemaLocation="http://www.textron.com/GenericAdapter"*

Therefore it would have been obvious to one of ordinary skill, at the time the invention was made to provide a paste function for XML based documents, where text formatting was maintained for the pasted function because the paste function could provide the predictable result of maintaining formatting for XML based documents.

7. **Regarding dependent claims 2-8,** Steele discloses inserting the text into the destination document, (page 5 of the electronic book printout, or page 53

of the original publication). Michaelides discloses markup language documents, which inherently are processed by a parsing operation. Processing the destination document after the paste process would inherently include parsing all of the document elements, including the recently pasted elements. The parsing process would recognize the XML markup associated with the various document elements, and process them as directed by the markup language tags. Since the newly pasted element has maintained its formatting properties (i.e. tags) from the source document, the parsing process would format the newly pasted elements apart from formatting properties of other elements in the destination document. The parsing process inherently includes locating tags in the markup, said tags providing processing instructions to the parser.

8. **Regarding dependent claims 9**, Steele and Michaelides disclose copying XML, as described above. Steele and Michaelides fail to disclose an XML tag as a <cfChunk> tag. However, formatting indicators in markup language documents take the form of tags. Furthermore, applicant's disclosure teaches that: *"the element <cfChunk> is illustrative of an infinite number of names that could be provided to the element"* (page 22, lines 18-19 of the originally filed disclosure), and hence would have been obvious to use any tag name to indicate the inserted text.
9. **Regarding independent claim 11**, the claim is substantially the same as claims 1-4 combined, and is rejected using the same rationale.

10. **Regarding independent claim 14**, the claim is directed toward a computer-readable medium for the method of claim 1, and is rejected using the same rationale.
11. **Regarding dependent claim 15**, the claim is directed toward a computer-readable medium for the method of claims 2-4 combined, and is rejected using the same rationale.
12. **Regarding dependent claims 16-19**, the claims are directed toward a computer-readable medium for the method of claims 5-8, and are rejected using the same rationale.

Response to Arguments

13. Applicant's arguments filed 2/11/2008 have been fully considered but they are not persuasive.
14. Regarding independent claim 1, applicant argues that the cited references fail to disclose: *"providing a framework for an annotation of the XML markup by associating the selection of text with at least one XML schema file for providing a definition of the XML markup applied to the selection of text and for providing XML parsing application rules for understanding and using XML tags"* (page 11, second paragraph, of the response filed 2/11/2008). Applicant is directed toward the rejection of claim 1 as described above. Michaelides discloses providing a framework for an annotation of the XML markup by associating the selection of text with at least one XML schema file for

providing a definition of the XML markup applied to the selection of text and for providing XML parsing application rules for understanding and using XML tags. It should be noted that an XML schema inherently provides a framework that is a definition of the XML markup and parsing application rules for understanding and using the XML tag. Michaelides discloses the use of an XML template for the selected text to be imported, where the XML template specifies an XML schema (see paragraph 186 and figure 31). An example of the XML template is shown in Appendix I, where the declarations at the beginning of the sample code are associating an XML schema with the XML template.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2178

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached on Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen S. Hong/
Supervisory Patent Examiner, Art
Unit 2178

/Gregory J. Vaughn/
Patent Examiner
May 7, 2008